

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

JUDITH YARRINGTON, ELIZABETH
CRAGAN, JULIA CRAIGHEAD AND
CAROLYN GREEN, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

SOLVAY PHARMACEUTICALS, INC.,

Defendant.

No. 09-CV-2261 (RHK/RLE)

**SUPPLEMENTAL DECLARATION OF
JOEL BOTZET WITH RESPECT TO
NOTIFICATION AND REQUESTS FOR
EXCLUSION**

I, Joel Botzet, declare as follows:

1. I am a Senior Project Administrator for Rust Consulting, Inc. ("Rust Consulting"). My business address is 625 Marquette Avenue, Suite 880, Minneapolis, Minnesota 55402-2469. My telephone number is 612-359-2035. I am over twenty-one years of age and am authorized to make this declaration on behalf of Rust Consulting and myself.

2. Rust Consulting has extensive experience in class action matters, having provided services in class action lawsuits affecting millions of class members in cases involving employment, consumers, property, insurance, securities and product liability, among its more than 2,500 projects.

3. Except as otherwise stated, I am fully familiar with and have personal knowledge of the matters in this declaration and am competent to testify about them if called upon to do so.

4. Rust Consulting was engaged by counsel to provide claims administration services in *Yarrington, et al. v. Solvay Pharmaceuticals, Inc.* No. 09-CV-2261 (the "Settlement"). Rust Consulting's administrative responsibilities include:

- a) Meet with counsel to develop a detailed work plan that identifies objectives.
- b) Obtain a post office box for receiving exclusion requests, general correspondence, Notice Package ("Long Form Notice and Claim Form") requests and completed Claim Forms.
- c) Establish a toll-free number to be printed in the Published and Long Form Notices and on the Settlement Website. Staff appropriately with customer service representatives to answer questions regarding the Settlement.
- d) Prepare, print and mail the Notice Package to Class Members.
- e) Receive, review and data capture Claim Forms within an electronic database.
- f) Receive and track requests for exclusion.
- g) Work with counsel and claimants to resolve incomplete or invalid Claim Forms and to resolve other claim issues.
- h) Prepare, print and mail Cure Letters to Class Members with deficient Claim Forms.
- i) Calculate and disburse Settlement award checks to Class Members.
- j) Report to counsel and the Court as required.

1 5. Rust Consulting established a Post Office box, P.O. Box 2240, Faribault,
2 Minnesota 55021-1640, for receipt of requests for Notice Packages, undeliverable mail,
3 exclusion requests, completed Claim Forms and other communications. Mail received at
4 the Post Office box is collected and processed daily.

5
6 6. Rust Consulting created and continues to maintain the Settlement Website.
7 The following internet address was reserved, www.estratesettlement.com. The internet
8 address appeared in the Publication Notice and Notice Package. The website was
9 operational as of October 13, 2009, and contains a copy of the Settlement Agreement,
10 Long Form Notice and Preliminary Approval Order. The website provides the toll-free
11 number, mailing address for the Settlement Administrator, contact information for Class
12 Counsel, Frequently Asked Questions and Answers and important court deadlines. The
13 website also contains online filing capabilities and a printer friendly version of the Claim
14 Form. On February 15, 2010, the website content was updated to reflect (1) the revised
15 objection deadline of March 8, 2010; (2) the new Fairness Hearing date of March 16,
16 2010; and (3) that Class Members could object to the Settlement in writing only and were
17 not required to appear at the Fairness Hearing to have their written objections considered.
18 Through March 6, 2010, there have been approximately 15,439 unique visitors to the
19 website.

20
21 7. A toll-free telephone support line (1-877-435-4068) providing 24-hour
22 service via an Interactive Voice Response system was established for receiving questions
23 and requests for Notice Packages. Live support is provided Monday through Friday from
24 9:00 a.m. to 5:30 p.m. ET. The telephone support line number appeared in the Notice
25 Package, Publication Notice and Settlement Website. On February 15, 2010, the toll-free
26 telephone support line verbiage was updated to reflect: (1) the revised objection deadline
27 of March 8, 2010; (2) the new Fairness Hearing date of March 16, 2010; and (3) that Class
28

1 Members could object to the Settlement in writing only and were not required to appear at
2 the Fairness Hearing to have their written objections considered. Through March 6, 2010,
3 there have been approximately 1,706 calls to the toll-free telephone support line.

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5 8. Rust Consulting received the Court-approved text for the Notice Package
6 from counsel and prepared a draft of the materials for mailing to potential Class Members.
7 The Notice Package consists of an 8-page Long Form Notice and a 4-page Claim Form.
8 Rust Consulting received approval from the Parties. As of February 6, 2010, 832 unique
9 requests for a Notice Package were received and mailed. On February 16, 2010, updated
10 Notice Packages reflecting: (1) the revised objection deadline of March 8, 2010; (2) the
11 new Fairness Hearing date of March 16, 2010; and (3) that Class Members could object to
12 the Settlement in writing only and were not required to appear at the Fairness Hearing to
13 have their written objections considered, were sent to all Class Members that had
14 previously been mailed a Notice Package. The updated Notice Package has and will
15 continue to be mailed on a rolling basis in response to requests from Class Members via
16 telephone and mailed correspondence. As of March 6, 2010, 951 total requests for a
17 Notice Package have been received and mailed out.

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19 9. As of March 6, 2010, Rust Consulting has received 1,342 Claim Forms. As
20 of March 8, 2010, 1,294 claims have been submitted in a valid format. The aggregate
21 amount of those 1,294 claims is \$3,325,484.

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23 10. Rust Consulting is also responsible for receipt of exclusion requests for the
24 Settlement. As of March 6, 2010, Rust Consulting has received 2 exclusion requests. Of
25 the exclusion requests received, 2 were postmarked prior to the January 2, 2010, deadline
26 and considered timely.

1 11. Attached as Exhibit A are the most current statistics for the Settlement.

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3 I declare under penalty of perjury under the laws of the State of Minnesota and the United
4 States that the above is true and correct to the best of my knowledge and that this
5 Declaration was executed this 10th day of March 2010, at Minneapolis, MN.

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8 _____
JOEL BOTZET